

REMARKS

This submission is in response to the Official Action dated November 17, 2003. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

I. Status of the Claims

Claim 9 has been amended.

No new matter is added.

Claims 1-12 are presently pending.

Claims 1-12 stand rejected.

II. Telephone Interview

Applicant thanks Examiner Morrison for all of the courtesies extended in the telephone interview held on December 16, 2003, with Denise L. Poy and Louis J. DelJuidice. Applicant also thanks the Examiner for discussing the rejection of the claims over the cited prior art. Per the Examiner's suggestion, Applicant is presenting the arguments expressed in the December 16, 2003 telephone interview in the present remarks.

III. 35 U.S.C. § 103(a) Rejections

Claims 1-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art of Figs. 5, 6, and 11 ("APA") in view of U.S. Patent No. 2,282,295 to Olson and further in view of German Patent No. 3441225 to Groschupp. Applicant respectfully traverses this rejection, and reconsideration is respectfully requested.

The Examiner states that the APA teaches a stopper device of a telescopic unit in which a second tubular member projects from a first tubular member. The Examiner contends that the APA discloses all of the elements of the claimed invention except for tapered stopper

supporting members forming a continuously tapered shape with abutting first and second ends having the same outer dimensions. The Examiner contends that Olson discloses a clamping member having a tapered shape, as shown in Figs. 1, 4, and 5, and that it would be obvious to one of ordinary skill in the art to modify the stopper supporting member of the APA to taper from top to bottom.

Further, the Examiner contends that Groschupp discloses a tripod leg assembly having a plurality of stacked stoppers (20, 25, 30) with the same outer dimensions, i.e., width and length, and that it would have been obvious to one of ordinary skill in the art to modify abutting first and second ends to have the same outer dimensions. As discussed in the telephone interview of December 16, 2003, the Examiner stated that Groschupp discloses that the stacked stoppers form an approximately continuous outer surface and contends that it would be obvious, in view of Olson's tapered stopper, to form the continuous outer surface of Groschupp as a series of tapering stoppers.

Regarding claims 1 and 8, Applicant submits that Groschupp does not disclose any motivation to form a series of tapered stoppers which are stacked so that the facing ends of two adjacent stoppers have approximately the same outer dimensions, as required in the claims. Groschupp only discloses a series of identical non-tapering stoppers. Groschupp does not provide the teaching or motivation to form the series of stoppers with a continuously tapering outer surface, as contended by the Examiner. Furthermore, it is not obvious to form a series of tapered stoppers which are made individually with different outer dimensions so that two adjacent stoppers have facing ends with approximately the same outer dimensions, as recited in claims 1 and 8. Groschupp provides no motivation for forming each stopper with different outer dimensions, since this would require an increase in manufacturing costs and effort. Hence, Applicant respectfully submits that the Examiner has not made a case of *prima facie* obviousness.

Claims 2-7 and 11 depend from claim 1 and are therefore also patentable for at least the same reasons. Applicant respectfully submits that for at least the aforementioned reasons,

claims 1-8 and 11 of the present invention are patentable over the APA in view of Olson and further in view of Groschupp.

Claim 9 has been amended to state that the first and second supporting members are formed with one end having a larger outer dimension than the outer dimension of the opposite end. Claim 9 also states that the facing ends of two adjacent stoppers have approximately the same outer dimensions, as recited in claims 1 and 8. Groschupp does not provide the teaching or motivation to form the series of stoppers with one end having a larger outer dimension than the outer dimension of the opposite end. Further, it is not obvious to form a series of stoppers which are made individually with different outer dimensions so that two adjacent stoppers have facing ends with approximately the same outer dimensions, as stated above in connection with claims 1 and 8. Groschupp provides no motivation for forming each stopper with different outer dimensions, since this would require an increase in manufacturing costs and effort. Hence, Applicant respectfully submits that the Examiner has not made a case of *prima facie* obviousness.

Claims 10 and 12 depend from claim 9 and are therefore also patentable for at least the same reasons. Applicant respectfully submits that for at least the aforementioned reasons, claims 9, 10, and 12 of the present invention are patentable over the APA in view of Olson and further in view of Groschupp.

Thus, a *prima facie* case of obviousness has not been established, and the rejection of claims 1-12 under 35 U.S.C. § 103(a) should be withdrawn. Reconsideration is respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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